UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/57/Add.2
4 June 1991

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1989

Addendum

GUINEA*

[30 April 1991]

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* For the initial report submitted by the Government of Guinea, see document CCPR/C/6/Add.5; for its consideration by the Committee, see documents CCPR/C/SR.475, SR.476, SR.485 and SR.486, as well as the Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40 (A/39/40), paras. 136 to 160. A further initial report issued as document CCPR/C/6/Add.11 was submitted by the Government of Guinea pursuant to the request made by the Committee at its twentieth session after considering the initial report in the absence of a representative of the State party; for the consideration of that report by the Committee, see documents CCPR/C/SR.788 and SR.792, as well as the Official Records of the General Assembly, Forty-third Session, Supplement No. 40 (A/43/40), paras. 241 to 272.

GE.91-16143/3687B

INTRODUCTION

1. It has been six years since the Guinean Army assumed responsibility for the Guinean State and set it on the road to recovery, i.e. that of rebuilding the structure of society along democratic lines and on the basis of the rule of law.

2. These efforts to bring about recovery involve:

(a) The establishment and organization of social, economic and legal institutions in a single system of cooperation by all citizens, groups and the national community as a whole;

(b) The timely definition and reminder of the rights and duties within and among these institutions, as well as the sharing of the advantages and burdens of social life.

3. To this end, the armed forces, under the authority of the Comité Militaire de Redressement National (Military Committee for National Recovery - CMRN), lawfully laid the foundations on 3 April 1984 for a system of public legal rules dealing primarily with the protection of the human person and his property.

4. On 22 December 1985, the President of CMRN and President of the Republic of Guinea thus rightly announced in his programme-statement that the affairs of the nation would be conducted by the Second Republic on the basis of the supremacy of law with a view to making Guinea a State subject to the rule of law which respected human rights and individual freedoms.

5. Part I.B. of the initial report submitted in 1987 (CCPR/C/6/Add.11) stated that "Guinea has no Constitution". In a referendum held on 23 December 1990, the people of Guinea adopted the Basic Law, which organizes all national institutions as a system to promote social, economic, political and legal order.

6. The present report consists of three parts. The first gives an overview of the Basic Law. The second deals with the legal system established by the Basic Law and the third relates to the civil and political rights guaranteed by the Basic Law.

PART I. OVERVIEW OF THE BASIC LAW

7. The Basic Law, which was solemnly proclaimed and promulgated by the rules, enshrines a historical legality, as well as the principle of the separation of powers. It contains 96 articles divided into 12 titles.

A. Title I: Sovereignty and the State

8. This title consists of three articles. Article 1 establishes the principle of the unity, indivisibility and secularity of the Republic, which is democratic and social. It makes the equality of all citizens before the law and the promotion of cultures and beliefs obligations which the State must fulfil without distinction as to origin, ethnic group, sex, religion or opinion.

9. Article 2 of the Basic Law vests national sovereignty in the people, which exercises it by itself and by way of referendum or through its elected representatives. Rejecting dictatorship and any form of anti-democratic power, article 2 provides that the exercise of national sovereignty may not be vested in any faction or individual.

10. In this connection, article 2 states that suffrage is universal, equal, direct and secret. All adult citizens of both sexes take part in the expression of suffrage if they have not been deprived of their civil and political rights.

11. The right to freedom of association is given its full force in article 3, under which political parties have the right to take part in the political education of citizens and the expression of suffrage. They have a monopoly on the nomination of candidates for national elections.

12. In order to strengthen national unity and prevent any form of discrimination, the Basic Law makes it an obligation for political parties to establish a national base which discourages any inclination to identify with a race, ethnic group, religion or territory. Respect for the principles of national sovereignty and democracy is fully binding on political parties, which must also refrain from any violation of territorial integrity and any disturbance of public order.

13. The Basic Law provides that an Organization Act covers all matters relating to the establishment, activities, number and dissolution of political parties.

B. Title II: Fundamental freedoms, duties and rights

14. This part of the Basic Law is a genuine charter of human rights which amply demonstrates that the Guinean people is determined to work together in unity and through the reconciliation of Guineans with themselves to build a State subject to the rule of law in which each individual respects the law and the rights of others and takes part in the construction of a more equitable and more prosperous society. These rights will be discussed below.

C. Title III: The President of the Republic

15. The Basic Law has given the executive power constitutional existence only through the President of the Republic, who is elected by direct universal suffrage for a five-year term that is renewable once.

16. Title III deals with eligibility requirements, election procedures, vacancies, the filling of vacancies, incompatibilities, protection and the rights and powers of the President of the Republic.

D. Title IV: The National Assembly

17. This title, which deals with the Assembly representing the people, indicates that it is called the National Assembly and that it is composed of deputies elected for five years by universal suffrage.

18. Article 48, which strengthens the provisions of article 3, gives lawfully constituted parties the right to nominate candidates.

19. This title of the Basic Law provides that an Organization Act determines eligibility requirements and the system of ineligibilities, incompatibilities and parliamentary immunities. It gives the Supreme Court jurisdiction to ensure that voting and the election campaign take place lawfully and to settle any disputes that may arise.

20. The Basic Law provides for two annual regular sessions of the Assembly. The first, which starts on 5 April and lasts 30 days, is devoted primarily to the consideration of the Finance Act. The second starts on 5 October and lasts 60 days at most.

21. The National Assembly (by a majority of its members) and the President of the Republic are equally entitled to convene a special session on the basis of a specific agenda.

22. All meetings of the Assembly are public, except where it decides, by a majority of its members, to hold closed meetings.

E. Title V: Relations between the President of the Republic and the National Assembly

23. This title defines the scope of the law and distinguishes it from that of regulations. It determines the rules of procedure for the adoption of laws and the jurisdiction of the Supreme Court for the settlement of disagreements between the National Assembly and the President of the Republic either on the adoption or admissibility of an amendment or on any other key issue.

24. Through commissions of inquiry and a system of written and oral questions, the Basic Law gives the legislature real power to monitor the executive. This will be discussed below.

F. Title VI: International treaties and agreements

25. This title deals with the right of the President of the Republic to enter into international commitments on behalf of the State through the negotiation of treaties and agreements. Article 77 of the Basic Law expressly indicates cases and conditions for ratification.

G. Title VII: The judiciary

26. After proclaiming the independence of the judicial power exercised by the courts, the Basic Law makes judges subject to the sole and exclusive authority of the law and establishes the principle that they are irremovable.

27. It provides that an organization act governs the statutes, career and guarantees of the independence of judges.

H. Title VIII: The High Court of Justice

28. The Basic Law establishes the High Court of Justice, which is composed of members elected by the Assembly from among its members and presided over by a judge of the Supreme Court elected during the General Assembly of the Supreme Court.

29. The rules relating to the functioning, procedures, organization and number of members of the High Court are contained in an organization act.

30. Article 86 establishes the principle that the President may not be held criminally liable. He may be tried only in the event of high treason. It also indicates which persons and offences may be tried by the High Court, as well as conditions relating to committal for trial.

I. Title IX: The Economic and Social Council

31. In this title, the Basic Law indicates which matters are within the competence of the Economic and Social Council, whose composition and functioning will be dealt with in an organization act.

J. Title X: Local communities

32. Articles 88, 89 and 90 relate to the territorial management of public affairs and transfers of competence, resources and funds.

K. Title XI: Amendment of the Basic Law

33. The Basic Law vests initiative with regard to amendments concurrently in the President of the Republic and the National Assembly. The basic principle is that only a referendum gives effect to an amendment. An exception to this principle is the case where the President decides to submit a draft amendment to the National Assembly, which adopts it by a two-thirds majority of its members. The Basic Law invalidates any amendment proposed or adopted during the occupation of all or part of the national territory or in the event of a state of emergency or a state of siege.

34. It also declares null and void any amendment designed to call in question the republican form of government, the principle of secularity or the principle of the separation of powers.

L. Title XII: Transitional provisions

35. These provisions establish a transition period during which a transition council will implement the Basic Law and, in particular, the laws necessary for the establishment of democratic institutions and the functioning of the authorities, as well as measures to protect citizens and safeguard public freedoms.

PART II: THE LEGAL SYSTEM OF THE REPUBLIC OF GUINEA

36. In keeping with the aspirations of the people of Guinea to democracy and to all universal human values, the Basic Law recognizes the existence, as in any State based on the primacy of law, of three powers - executive power, judicial power and legislative power - and establishes a presidential regime of separation of powers.

A. The Presidential regime

37. Under the Basic Law, the President of the Republic is the sole repository of executive power and enjoys wide autonomy. However, by introducing a form of supervision of the executive by the legislature, the Basic Law promotes the separation and balance of powers. This new and pragmatic constitutional structure might be described as a supervised presidential regime.

1. The President of the Republic

38. The need for quick decision-making accompanied by a firm resolve in favour of harmony in political life, coupled with the increasing mediatization of modern political and economic life, justifies the choice made by the people of Guinea in favour of this form of relative, almost personalized power subject to some legal supervision.

39. The conduct of a State's affairs, the settlement of domestic and foreign crises, and the responsibility, stability, reliability and credibility required for these purposes make it necessary that he who governs should be clearly identified, capable of accounting for his actions and required to do so. To this end, the Basic Law confers on the President of the Republic a legitimacy that precludes any possibility of his power of decision being contested.

40. His constitutional term of office of five years gives him the time and means to put his programme into effect.

41. At the same time, the President of the Republic is the Head of State and Head of the Executive.

42. He freely appoints and dismisses the ministers, who are answerable only to him. It is their duty to express the political will which the President embodies. The ministers' role in Parliament is limited to serving as spokesmen for the Head of State.

43. The President's power derives its strong legitimacy in particular from the principle of sovereignty of the people (art. 2), which can be based only on and justified only by universal suffrage. Therefore, under article 24, he is elected by direct universal suffrage for a term of five years.

44. The Basic Law provides that the President may consult the sovereign people by way of legislative referendum (art. 45) or constitutional referendum (art. 76), provided he has first consulted the President of

the National Assembly and sought the opinion of the Supreme Court. Such a referendum, which re-establishes the President's legitimacy, may lead to the dissolution of Parliament (art. 76).

2. Limits to presidential power

45. The compatibility of this consolidated power with the principles of democracy lies in the limits imposed upon it by the Basic Law: specifically, the fact that no one can seek re-election more than once (art. 24). This limitation on the number of terms of office is an essential safeguard. It is not the only one provided by the Basic Law.

46. In order to reconcile democracy with presidential power, the Basic Law embodies a kind of check-and-balance that makes it more appropriate to speak of a balance than a separation of powers in the Guinean constitutional system.

47. In the legislative field, for example, the Basic Law does not establish an exclusive domain, for the President of the Republic can introduce legislation in certain specific and exceptional situations, has the right of amendment, and has the option of seeking authority to legislate by ordinance, as provided for in many countries governed by democratic constitutions.

48. In addition, since the subject-matter of a referendum is not restricted, the President of the Republic may secure passage of any constitutional law by calling the voters to the polls.

49. The second element of balance lies in the equilibrium struck between the right of dissolution vested in the President and the possibility of censure by Parliament, the result of which is that the overriding of a dissolution order compels the President to choose between accepting the will of Parliament and resigning. This strict system is based on the balance of legitimacies and means of supervision.

50. The equal legitimacy conferred on the President of the Republic and the National Assembly by election by universal suffrage goes some way to reduce the President's excessive powers.

51. The purpose of this is to preclude confrontation and lay the foundation for perfect collaboration calculated to allay constitutional crises and in any case to make it possible to settle them or reduce them to a minimum.

52. The National Assembly's main means of controlling the executive is the law. The Basic Law makes the acts of the executive, such as ordinances and decrees, subject to the principle of legality and to supervision by the Supreme Court.

53. Another such means is the daily monitoring of the exercise of executive power by the procedure of written and oral questions and the establishment of commissions of inquiry in the National Assembly.

54. In any event, to preclude confrontation, the Basic Law strikes a balance by conferring some supervisory authority on the President of the Republic, who has means of imposing his will on the National Assembly, for example through the use of the referendum, the veto and his control of the agenda. On the other hand he runs the risk of the "persistent disagreement" provided for in article 76 of the Basic Law and cannot dissolve the Assembly without jeopardizing his office under paragraph 4 of that article.

B. The power of the National Assembly

55. In addition to what has been said earlier, the Assembly, the people's representative, derives its power from the mandate it receives by referendum to exercise national sovereignty (articles 2 and 46). The main means at the National Assembly's disposal for imposing its will on the executive are:

(a) The primary of statute law over regulations;

(b) The Finance Acts, which determine the total amount of the State's resources and liabilities every year;

(c) The Planning and Programming Acts, which chart the course of Government policy and guide the pluriannual development activities of the nation and the commitments of the State.

56. Lastly, the Basic Law precludes legislation by the President of the Republic on any matter covered by an organization act.

57. The suspension of the President's right to dissolve the National Assembly when it has convened ipso jure during a state of siege or emergency safeguards the legislature's right to supervise the executive in exceptional situations.

58. The power of the President of the Republic to declare war is subject to authorization by a majority of two-thirds in the National Assembly.

C. The autonomy of the judiciary

59. The Basic Law confers judicial power on the Supreme Court, whose role goes beyond the traditional function of judging constitutionality and conventionality.

60. Over and above its jurisdiction in electoral matters, the Supreme Court gives its opinion on the holding of a referendum and on the dissolution of the National Assembly. The first opinion is, of course, essentially of a legal nature, for it relates to the regularity of the electoral procedure; the other is political, being bound up with persistent and deep-seated disagreement between the National Assembly and the President of the Republic.

D. The State based on law

61. The preamble to the Basic Law lays down the principle of the primacy of law and respect for statutes democratically enacted.

62. In organizing the operation of the institutions and establishing a system of law that safeguards the public freedoms of the citizenry, the Basic Law institutes a hierarchy of rules comprising several levels.

1. The Basic Law

63. At the top of the hierarchy is the Basic Law itself, which is a genuine national constitution. It is limited neither in time nor in space. The safeguard of applicability lies in the power of supervision exercised by the Supreme Court. However, that check on constitutionality is exercised before promulgation and on limited referral.

2. International treaties and agreements

64. Monism, with primacy for international law, is the essence of the constitutional system of the Republic of Guinea, which places a higher value on international treaties than on domestic law, subject to reciprocity with the partner country or international organization (art. 79). Whenever an international treaty conflicts with a provision of the Basic Law, the Law is revised before the treaty is ratified.

3. Organization Acts

65. Organization Acts are Acts passed by the National Assembly to clarify or supplement the provisions of the Constitution or certain points in it. The Basic Law gives a special place to Organization Acts in that the procedure of adoption which it prescribes is closely comparable to that of constitutional revision.

4. Ordinary Acts

66. Ordinary Acts are statutes enacted by the Legislative Assembly in accordance with the legal procedure laid down by the Constitution.

67. The Basic Law uses Ordinary Acts to limit the powers of the Assembly and preclude encroachment by the executive.

68. The purpose of the Basic Law in so doing is to create an exclusive domain for statute law, and to make it mandatory for Acts to conform to the Basic Law and for rules and regulations (decrees and orders) to conform to Ordinary Acts.

69. The Basic Law confers upon the Supreme Court competence to exercise supervision for that purpose.

70. Such, briefly, are the characteristic features of the legal system created by the Basic Law, with regard to the organization of the public powers.

PART III: CIVIL AND POLTICAL RIGHTS

71. The Basic Law sets forth a veritable charter of fundamental human rights and freedoms, comprising three categories of unequal size: individual rights, duties, and rights of the people.

72. This charter shows the Guinean people's devotion to democratic values and confirms its international conception of human rights in acceding to all the international human rights instruments.

73. It should be emphasized that any individual may invoke these instruments, which are an integral part of Guinean domestic law.

74. As indicated above, the International Covenant on Civil and Political Rights, like all other instruments to which Guinea is a party, takes precedence over statute law.

A. Guarantees of implementation of the Covenant

1. Article 1

75. Article 1 of the Covenant is echoed in article 10 of the Basic Law. Article 19 of the Basic Law goes beyond the provisions of article 1 of the Covenant, granting the people "the right to resist oppression".

2. Article 2

76. The obligation of States parties to respect and guarantee to all individuals the rights recognized in the Covenant is set forth in article 5 of the Basic Law, which, after stipulating that the human person and human dignity are sacred, says that the State has the duty to respect and protect them.

77. The guarantee of an effective remedy against violation of rights, provided in article 2, paragraphs 2 and 3, of the Covenant, is set forth in article 9 of the Basic Law, which states: "Everyone has the imprescriptible right to apply to the courts for protection of his rights vis-à-vis the State and its employees". Article 23 of the Basic Law states: "Anyone who occupies a public post or performs a public function is accountable for his activities and must respect the principle of the neutrality of public service. He must not use his position for any purpose other than the interests of all". Articles 151, 152, 153, 154, 155, 156, 157, 158, 163, 164, 165 and 166 of the Penal Code lay down penalties for violations committed by State employees.

3. Article 3

78. Article 8 of the Basic Law establishes the equality of all human beings before the law. It states explicity that "Men and women have the same rights. No one shall be privileged or disadvantaged for reasons of birth, race, ethnic group, language, beliefs or political, philosophical or religious opinions."

4. Article 4

79. The instrument that proclaims a state of siege or state of emergency owing to an exceptional danger to the nation's existence is, according to article 74 of the Basic Law, a decree by the President of the Republic. This instrument ceases to have effect "after 12 days, unless the National Assembly, seized by the President of the Republic, authorizes its extension for a period that it shall set".

5. Articles 6, 7, 8, 9 and 10

80. Article 5 of the Basic Law states, "The human person and human dignity are sacred. It is the State's duty to respect and protect them". Attacks against human life are punishable under the Penal Code (see document CCPR/C/6/Add.11, section V). Article 6 of the Basic Law states, "No one shall be tortured or subjected to cruel, inhuman or degrading treatment or punishment".

6. Article 12

81. Article 10, paragraph 1, of the Basic Law stipulates, "All citizens have the right to establish residence and travel throughout the territory of the Republic and to enter and leave it freely".

7. Articles 13, 14 and 15

82. Article 9 of the Basic Law does not distinguish between citizens and foreigners when it stipulates that, "Everyone has the imprescriptible right to assert his rights before the courts ... everyone has the right to a fair trial, in which the right to defend oneself is recognized and guaranteed".

83. Regarding the legality of the charge and the punishment, the principle Nullum crimen, nulla pena sine lege is expressed by the Basic Law in Article 9 as follows: "No one shall be arrested, detained or convicted except for the reasons and in the forms prescribed by the law. The law establishes the required penalties in proportion to the offences that may warrant them".

8. Article 17

84. Protection of individuals' privacy against arbitrary or illegal interference is expressed as follows in article 12 of the Basic Law: "The domicile is inviolable. It may not be encroached upon except in grave and imminent peril, in order to ward off a common danger or to protect human life".

85. Any other encroachment or search can be ordered only by a judge or an authority designated by law in the forms prescribed by law. Articles 163 and 230 of the Penal Code provide and set penalties for such interference or encroachments.

9. Articles 18 and 19

86. Freedom of opinion, which includes freedom of speech, thought and the press, is expressed as follows in article 7 of the Basic Law: "He (man) is free to believe, think and profess his religious faith and political or philosophical opinions. He is free to express, display and disseminate his ideas and opinons through speech, the written word and images". The only restrictions are those imposed by the law (arts. 244-266 of the Penal Code), for the sole purpose of obliging everyone to respect the rights and honour of others.

87. Article 21 imposes on the State the obligation to ensure the plurality of opinions and sources of information. This ends the State monopoly on the establishment and use of information sources and organs. Although the law did hitherto recognize freedom of the press, it limited the State's obligation to that of protection. The State must now ensure the plurality of press organs.

10. Articles 21 and 22

88. Article 10 of the Basic Law recognizes freedom of association, understood as citizens' capacity to form groups for the purpose of achieving a social, economic, cultural or political goal of common interest.

11. Article 22

89. Article 18 of the Basic Law proclaims the right of everyone, "... to join the trade union of his choice. Every worker has the right to participate, through his delegates, in determining working conditions. The right to strike is recognized ...".

12. Article 23

90. Article 16 of the Basic Law indicates that marriage and the family are "the natural basis for life in society". It requires the State to protect and promote them.

13. Article 24

91. The Basic Law lays down "the right and duty of parents to provide for the education and physical and mental health of their children" (art. 16). Article 17 of the Basic Law emphasizes the special need to protect youth "against exploitation and moral laxity".

92. Artices 341 (on abuse of the needs of a minor), and 301 to 310 of the Penal Code protect children against various offences.

93. Punishment is provided for indecent assault or attempted indecent assault, with violence (art. 283) or without violence (art. 282).

94. Article 253 of the Penal Code provides for the crime of infanticide, understood as the killing of a newborn child.

95. Violence against children is punishable under article 264 of the Penal Code. Additional protection has resulted from the ratification by Guinea of the International Covention on the Rights of the Child.

96. Finally, article 21 of the Basic Law makes it obligatory for the State to provide compulsory education and establish conditions and institutions to enable everyone to receive training.

14. Article 25

97. The Basic Law not only speaks of the right or opportunity to take part in the conduct of public affairs but makes it a duty. It stipulates that, "Every citizen has the duty to participate in elections".

98. Article 26, concerning candidature for the Presidency of the Republic, says that any Guinean citizen at least 40 and no more than 70 years of age may stand.

15. Article 26

99. Article 4 of the Basic Law prohibits discrimination and states, "The law punishes anyone who, through an act of racial, ethnic or religious discrimination, or through an act of regionalist propaganda, seriously endangers national unity, State security, the territorial integrity of the Republic or the democratic functioning of its institutions".

100. Although there are not yet any actual parties at the time this report is being submitted, article 3 of the Basic Law enshrines and makes practical provision for political parties and political pluralism.

101. Under this article, "political parties shall work towards the political education of the citizens and their participation in elections". They alone can put forward candidates for national elections. "They must not be identified with any particular race, ethnic group, religion or territory." They must be established throughout the country.

B. Progress achieved

102. Respect for and protection and promotion of human rights, as a State obligation, have progressed considerably in Guinea since 1989. Many events that would have been unthinkable a few years ago have become routine.

1. Respect for life and physical integrity

103. Since 1988, political assassinations and politically-motivated attacks on people's lives have ceased.

104. Political prisons no longer exist. All political detainees have been released. Finally, crowning the Guinean authorities' effort to build a State under the rule of law, Ordinance No. 098/PRG/SGG/90 of 9 May 1990 proclaimed a general amnesty for all persons prosecuted, arrested, detained or convicted

for political crimes or offences. Thanks to this act of far-reaching historical significance, many families in exile until recently have come back to their native land.

105. Disappearances, which were widespread in Guinea a few years ago, have not been reported since 1988.

106. Regarding torture and other cruel, inhuman or degrading treatment, the Government has declared an all-out war on the perpetrators of such practices, whether they are State employees or private individuals. In addition to the prohibition in the Constitution, citizens are educated with a view to persuading victims to bring to the attention of the competent authorities any abuses committed in violation of their rights. The difficulty here lies in the resignation of the unfortunate victims, who accept such events as the workings of an inexorable fate.

107. The time-limits on preventive detention are increasingly being respected. The practice of the legal profession on an independent basis has made it possible, if not to eliminate prolonged detentions and unjustified arrests, at least to reduce them considerably. It has been said that, in Guinea a few years ago, "arrests led to investigations; today investigations may or may not lead to arrests". In any event, presumption of innocence is the rule.

108. The provision of the Code of Criminal Procedure that permits bond to be posted for any person accused of a crime or an offence has been honoured since 1989.

109. The roadblocks placed along public highways to harass citizens have disappeared. Obviously, in spite of warnings and Government campaigns against this practice, a few isolated cases still occur, and administrative measures are taken against them.

110. Arbitrary interference with the privacy of individuals or families or with their correspondence has given rise to legal proceedings resulting in the punishment of those responsible and redress of the resulting harm.

2. Freedom of opinion, association, religion and movement

111. Even before the constitutional law was adopted, there was a widespread feeling of freedom to express criticism of the Government. Thus, some harsh criticism was directed against leading Government figures, from which no repression whatsoever resulted.

112. Furthermore, leaflets signed by their authors and bearing their addresses levelled specific criticism at the President and other members of the Government. Some well-known citizens, such as Bâ Mamadou, a former World Bank official, distribute their leaflets widely. When their contents require a response, the official press organs have provided one.

113. There are not yet any private newspapers in Guinea. The reason for this is that no credit is available for the publication of newspapers by private citizens.

114. Foreign publications containing criticism of the Government circulate freely in Guinea. The newspaper market is shared by several distributors.

115. There is no interference whatsoever with foreign radio programmes.

116. After the Basic Law was adopted, numerous public meetings were held in connection with the setting up of the communes to prepare for free elections to the commune councils.

117. A new trade union, the General Union of Workers (UGT), has been established alongside the National Confederation of Workers of Guinea (CNTG), which previously had a monopoly on the defence of the workers' cause. Other unions have drawn up statutes and are awaiting approval, and so the democratic pluralism emerging in Guinea will be extended. Strikes (by teachers, transport workers and students) went off peacefully despite four unfortunate deaths due, not to police repression, but to the disorganized nature of the demonstrations and attendant passions.

118. Religious freedom is practised without hindrance. The religious communities observe a praiseworthy mutual tolerance. Marriages between persons of different religions are common. However, the Government saw fit to move against the emergence of certain sects whose fundamentalist views appeared likely to threaten public order and social peace.

119. The State, which is secular, observes the main Christian and Muslim religious holidays. The radio and television stations, which are owned by the State, schedule broadcast time for religious programmes of all faiths.

120. Guineans enjoy such freedom of movement, both in and outside the country, that it is foreign embassies that limit the issue of visas for their countries. Representatives of the Ministry of Foreign Affairs can intervene on behalf of individuals to help them obtain the necessary visas.

121. A few years ago Guinea was a major exporter of refugees. Now it shelters over 300,000 refugees on its own soil. These refugees are not packed into camps, as they are in several countries. They are integrated into the life of the Guinean villages that have taken them in spontaneously, opening their arms, hearts and food stores.

122. In its efforts to protect and assist refugees, the Guinean Government has left the administration and distribution of donations to the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. The State intervenes only to establish facilities or support their work.

3. Right to vote and to be elected

123. The Basic Law lays down the right of all citizens to vote and to be elected with no requirements other than age. The voting age has been set at 18 by successive laws relating to the adoption of the Basic Law and elections to the commune councils.

124. The current Government was not elected by the people. To its credit, however, it has established the legal framework and conditions for the citizenry to change governments through a democratic process. The current Government, which is of pluridisciplinary and mixed (both civilian and military) composition, will remain in office for a transitional period of not more than five years, in order to set up the democratic institutions stipulated in the Basic Law.

125. The absolute power of the executive has now been attenuated by the establishment of the National Transition Council, which is a sort of unicameral legislative assembly in charge of elaborating and submitting for popular consultation the organizational texts called for in the Basic Law to govern the introduction and operation of the main institutions of the Guinean State.

126. The irreversibility of progress towards democracy can be seen in the establishment of the communes and commune councils. The councils are elected democratically by voting list. In conducting their campaigns, candidates have equal access to the media for publicizing their ideas and programmes. The electoral campaign was accompanied by all kinds of peaceful meetings and demonstrations.

4. Protection and promotion of human rights

127. Regarding the national institutions in charge of protecting and promoting of human rights, a text prepared in 1988 is under study for adoption. Passage was made contingent on the prior adoption of the Basic Law, which contains the human rights charter.

128. Previously, embryonic human rights organizations in Conakry had begun to make public their concerns over certain human rights and abuses by State employees which were not being picked up by the competent authorities.

5. Discrimination

129. Neither the criminal legislation nor official policy makes any provision for discrimination based on race, sex, religion, language or social origin. The country's history, life in common in a single territory and the intermixing of races as a result of marriage combine with the prohibition under the law to prevent any discrimination. However, there are sporadic and short-lived outbreaks of mutual suspicion affecting relations between ethnic groups. These have never actually developed into open or lingering hostility. The State uses all sorts of measures to ensure the maintenance and strengthening of national unity.

130. There is full and absolute equality between men and women in schools, factories, workshops and offices, in accordance with the principle "equal pay for equal work". A labour code prepared in cooperation with ILO establishes this equality and many other rights such as the right to strike, compulsory rest periods, and occupational safety and health.

131. Efforts at education are considerably reducing the incidence of excision. Religious convictions are an obstacle to the elimination of this very widespread practice in Guinea. Infibulation, on the other hand, is not part of any Guinean customary practice.

132. The emancipation of women is curbing the violence against wives that takes place in the name of the age-old husband's right of correction. In any event, criminal law sets penalties for all cases of physical violence, which are grounds for divorce under civil law. However, the wives' resignation makes it difficult for the authorities to take proceedings against violent husbands.

133. Guinea is among the first United Nations Member State to have signed and ratified the Convention on the Rights of the Child.

134. In December 1988 and April 1989, two human rights seminars were held in the Republic of Guinea for State employees (police, judiciary, general administration) and trade unions, thanks to UNESCO and the United Nations Centre for Human rights. These seminars were followed by numerous discussions on radio and television, to inform citizens of their rights and the means available to them to ensure those rights are enforced and respected.

CONCLUSION

135. Although respect for human rights has made visible progress in Guinea, three main difficulties persist:

(a) Victims' resignation and distrust of the State and the procedure for settling cases;

(b) People's ignorance of their breached or disregarded rights. Nearly 60 per cent of the Guinean population is illiterate; hence one means used to make the human rights instruments accessible is popular songs. Translation into the national languages is encouraged by the State. The Universal Declaration of Human Rights has already been translated into the national languages and deposited with UNESCO. Other translations are being completed or transcribed into songs;

(c) The implementation of certain rights requires high public expenditure; for example, the principle of bringing justice closer to those judged clashes with the financial constraints by which the State is bound.

136. The Guinean authorities' objective, as can be seen from the Basic Law, is to establish a genuine culture of human rights in Guinea. There is in any case a new light in the Guinean sky: not twilight leading to night, but the dawn of a new day.